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FEDERAL COMMUNICATIONS COMMISSION
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Via Hand Delivery

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Federal Communications Commission
1919 M Street, N.W.
Washington, D.C. 20554

Re: Non-Geostationary FSS Allocations In The 28 GHz Band
Ex Parte Presentation, CC Docket No. 92-297

Dear Chairman and Commissioners:

Teledesic Corporation ("Teledesic"), by its attorneys, submits this ex parte presentation to correct the factually inaccurate statements made by CellularVision of New York, L.P. ("CellularVision") in its June 8, 1995, ex parte presentation in CC Docket No. 92-297 and to assist the Federal Communications Commission ("FCC" or "Commission") in its deliberations.

In that letter, CellularVision asserts that the allocation of more than 400 MHz in the 27.5-30.0 GHz band would exceed the amount of spectrum required for Teledesic's broadband, non-geostationary satellite system. In fact, 500 MHz is required just for Teledesic's fixed and mobile service uplinks in that band, without considering any other non-geostationary satellite systems that might also seek to operate there. At the time of Teledesic's application to the Commission on March 31, 1994, Teledesic detailed its spectrum requirements only for fixed service links, which included 400 MHz in the 27.5-29.5 band. Because that band currently has no international or domestic allocation for mobile satellite service ("MSS"), Teledesic could not seek to use those frequencies to provide mobile service links. The frequencies from 29.5-30.0 GHz include an international and domestic allocation for MSS. However, Norris Satellite Communications, Inc. ("Norris") has an authorization to operate a domestic geostationary satellite system in that band. Because co-frequency sharing

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between the Norris and Teledesic systems is not possible, as long as the Norris authorization is outstanding, Teledesic would be precluded under FCC rules from using any spectrum in that band to serve mobile users domestically. In order to proceed with international coordination efforts, Teledesic amended its application on December 30, 1994, to seek authorization to provide mobile service internationally using the 100 MHz from 29.5-29.6 GHz for uplinks.

As stated in Teledesic's amended application, the distinction between the fixed satellite service ("FSS") and the MSS is not inherent in the nature of the services enabled by the Teledesic system. The same interactive broadband capability of the Teledesic system that can extend benefits to users in fixed applications, such as hospitals, can benefit users in mobile applications, such as ambulances and other emergency vehicles. Both mobile and fixed applications could be accessed through user terminals essentially identical in their capabilities and design. In order to ensure that the capabilities of the Teledesic system find the widest possible range of applications to extend the greatest possible public benefit, while also adhering to current domestic and international regulations, it currently is necessary to apply for service in the MSS and FSS separately. For a non-geostationary system like Teledesic, where the space segment is in motion, the distinction between MSS and FSS is not particularly meaningful. Accordingly, Teledesic has urged the Commission to make a distinction in satellite spectrum allocations in the 27.5-30.0 band between *system* types (geostationary/non-geostationary) rather than *service* types (FSS/MSS). If the domestic table of frequency allocations is modified to eliminate the distinction between MSS and FSS in all or part of that band, Teledesic will immediately amend its application to seek contiguous 500 MHz to provide its advanced digital services domestically through both mobile and fixed terminals.

Teledesic continues to believe strongly that it would be unsound spectrum management policy to authorize the local multipoint distribution service ("LMDS") in any portion of the 27.5-30.0 band. That is the uplink portion of the only paired bands internationally allocated to satellite service that can accommodate global, broadband satellite systems. However, in the interest of facilitating an expeditious resolution of this proceeding in advance of the World Radio Conference in November, Teledesic has been working with Texas Instruments and other LMDS system proponents and equipment manufacturers, and other satellite parties to craft a compromise band plan that meets at least the minimum needs of all the services proposed in the band. Those efforts resulted in a proposed spectrum allocation plan that would provide 1,000 MHz of spectrum in which LMDS would be either primary, or co-primary with MSS feeder links with whom CellularVision and other LMDS proponents have repeatedly said they can share. Further Comments of The Boeing Company, Hughes Communications, Inc., Teledesic Corporation, and Texas Instruments, Inc., CC Docket No. 92-297 (filed May 12, 1995) (the "Texas Instruments Plan"). The Texas Instruments Plan has been endorsed by Teledesic, Hughes Communications, Inc., National Aeronautics and Space Administration ("NASA"), the Boeing Company, Lockheed Martin Space and Strategic Missiles Sector, and

Hewlett-Packard Company. See id.; Hewlett-Packard Company Ex Parte, CC Docket No. 92-297 (filed May 19, 1995); Lockheed Martin Space and Strategic Missiles Sector Ex Parte, CC Docket No. 92-297 (filed June 9, 1995); and NASA Ex Parte, CC Docket No. 92-297 (filed June 9, 1995).

GHz Equipment Co., Inc. ("GEC"), an equipment manufacturer, systems integrator and LMDS proponent, recently filed an ex parte presentation stating that "...a minimum of 750 MHz per licensee ... is essential to fulfill the promise of the varied millimeter wave applications we see flowing from new LMDS services, including competition to traditional cable with fiber (whose channel capacity is comparable to that of a 750 MHz LMDS system)." Ex Parte Presentation of GEC, ET Docket No. 94-124 (filed June 8, 1995) ("GEC Ex Parte"). The 1,000 MHz provided to LMDS in the Texas Instruments Plan is well in excess of the 750 MHz required for an LMDS provider to be competitive with cable.1/

The Texas Instruments Plan also includes 500 MHz in which non-geostationary satellite services would have a primary designation and geostationary satellite services would have a secondary designation. This 500 MHz is adequate to accommodate only Teledesic's service needs. Until the FCC initiates the process of accepting applications for domestic non-geostationary satellite systems in the 28 GHz band, there is no means of determining whether 500 MHz of spectrum will be sufficient to accommodate all domestic non-geostationary satellite systems. Since non-geostationary systems are inherently global in nature, this minimum allocation may be called upon to accommodate proposed systems of non-U.S. origin as well.

1/ It is worth noting that the GEC filing also confirms the viability of LMDS at the 40.5 - 42.5 GHz band, which the 40 countries of the Conference on European Posts and Telecommunications have adopted as the band to locate an LMDS-type service in order to harmonize use of such services across Europe, with the objective of providing economies of scale in equipment manufacture. As GEC notes, "[i]t is well established in the research we have reviewed and in our own experience that the two bands are sufficiently comparable both in propagation characteristics and system cost for an LMDS-type service at 40 GHz to be a viable alternative." GEC Ex Parte.

Accordingly, contrary to CellularVision's assertion, 400 MHz is not sufficient to meet the needs of Teledesic's non-geostationary satellite system in the 27.5-30.0 band. If you have any questions regarding this matter, please contact the undersigned.

Sincerely,

Tom W. Davidson, P.C.
Jennifer A. Manner

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